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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/358,933	07/23/1999	AKIHIRO KOHNO	35.G2429	2145

5514 7590 02/12/2003

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EXAMINER

LE, VU

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/358,933

Applicant(s)

KOHNO ET AL.

Examiner

Vu Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Continued Prosecution Application

1. The request filed on November 15, 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/358933 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonezawa et al., US 6271805 in view of Yamaashi et al, US 5621429.

Re claims 1, 2, 4, 6, 8, 9, 11, 13, 15, 16, 18, 20-23, 25, 27, Yonezawa teaches a communication apparatus and method (fig. 1) comprising reception means for the step of receiving images from a plurality of communications terminals (60, fig. 1, fig. 2); output means for the step of outputting the images...to display ...as multiple images (fig. 3, col. 4, line 18-26, line 58 to col. 5, line 13, fig. 6, col. 5, line 14 to col. 6, line 40, col. 7, line 66 to col. 8, line 10); assigning means for the step of assigning an arbitrary image..., and control means for the step of controlling a state of outputting the assigned image (col. 5, line 38 to col. 6, line 6); notification means for the steps of grasping and notifying a state of reception-the state of reception being the pan/tilt/zoom information (col. 4, line 36-57, col. 6, line 58-65).

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Yonezawa fails to teach the following limitations as claimed: "the state of distribution" (applicant's specification p. 15, top ¶ indicates the state of distribution is information relating to a frame rate); having the notification means changes display information in accordance with a frame rate, wherein the notification means does not perform notification when the frame rate is high, only when the frame rate is reduced.

1, 2, 4, 6,
8, 9, 11, 13,
15, 16, 18,
20, 22, 23,
25, 27

On the other hand, Yamaashi et al. teaches keeping track of the "frame rate" of the received image data, i.e. the state of distribution as claimed, based on the bandwidth capacity, and the changes in the display information in accordance to the bandwidth capacity. Yamaashi et al. further teaches notifying and changing the display information in accordance to high and low priority of image area interests, which is substantially equivalent or has the capacity to perform notification in accordance to high or reduced frame rate as claimed. (See Abstract, col. 7, line 24-38, line 64 to col. 8, line 18, col. 8, line 28-47, col. 12, line 34 to col. 13, line 12, line 57 to col. 14, line 11, line 47-61).

Therefore, having the combined teaching of Yonezawa and Yamaashi as a whole, one skilled in the art would have found it obvious to modify the system of Yonezawa to include monitoring the state of distribution, in effect monitoring the frame rate of the received image data based on the bandwidth capacity, and to include notification and changes to the display state in accordance to the frame rate as claimed. Doing so would have resulted in more flexibility and efficiency in bandwidth capacity and also flexibility in changing display states of image information as taught in Yamaashi (col. 2, lines 5-9).

Claims 29-30 are essentially the same as claims 1, 8, 15 and 22 except for that the communication apparatus and method may be implemented via a software program. Thus, the same grounds for rejecting claims 1, 8, 15 and 22 in view of Yonezawa apply here. As for the software program implementation, it is evidenced in Yonezawa et al. that the system and method have software implementations (e.g., see fig. 15 and its respective disclosure).

Claims 3, 10, 17 and 24 read on Yonezawa at col. 6, line 53-65.

Claims 5, 12, 19 and 26 read on Yonezawa at col. 6, line 53 to col. 7, line 6.

As for claims 7, 14, 21 and 28, Yonezawa et al. does not disclose performing notification by one of flashing an icon, display of character information, and display of numerals as claimed. In contrast, Yonezawa et al. teaches performing notification by changing the color of an icon (col. 12, line 8-18). Despite the difference, it is viewed that such difference of a notification means is merely an obvious design preference used to achieve a desirable effect, but has no patentable weight over Yonezawa due to the fact that Yonezawa already teaches similar notification means.

Contacts

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Vu Le whose telephone number is (703) 308-6613. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700 or Customer Service whose number is (703) 308-6789.

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Very Important!

The fax number for submitting all Official communications is (703) 872-9314.

The fax number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (703) 746-6867.


VU LE
PRIMARY EXAMINER